



**DEPARTMENT OF DEFENSE
OFFICE OF GENERAL COUNSEL
1600 DEFENSE PENTAGON
WASHINGTON, DC 20301-1600**



May 28, 1996

**MEMORANDUM FOR DESIGNATED AGENCY ETHICS OFFICIALS
DEPUTY DESIGNATED AGENCY ETHICS OFFICIALS**

SUBJECT: Endorsement vs. Information Memoranda

The Standards of Conduct Office was recently asked to explain the differences between official memoranda that improperly endorse non-Federal entities or events and official memoranda that appropriately provide information about non-Federal entities or events that are of interest to DoD personnel. Although the differences may seem small, they are nonetheless important as we attempt to draw a line between what is allowed and what is not.

The rule on endorsement is set forth in the Joint Ethics Regulation, subsection 3-209: "Endorsement of a non-Federal entity, event, product, service, or enterprise may be neither stated nor implied by DoD or DoD employees in their official capacities and titles, positions, or organization names may not be used to suggest official endorsement or preferential treatment of any non-Federal entity" This rule, however, should not be interpreted so strictly as to prohibit legitimate dissemination of relevant information to DoD personnel by DoD offices charged to do so.

It is the mission of certain offices and individuals within DoD, in addition to other duties, to distribute information of common interest to DoD employees. Such offices and individuals have the responsibility of determining which non-Federal entities or events include programs that are of common interest. In drafting informational memoranda, however, these offices and individuals must be cautioned against wording that tends to imply DoD endorsement or the entity or event.

No matter how worthy an entity or event may be, DoD must maintain neutrality with regard to non-Federal entities and events. Any words of praise for an organization may appear to favor that organization to the exclusion or detriment of others. Because DoD could not possibly endorse all worthy organizations equally, DoD must praise none of them. This practice avoids the appearance of public office being used for private gain. Therefore, all words of praise for any non-Federal entity or event should be avoided in informational memoranda.

For similar reasons, encouraging or recommending that DoD personnel attend a non-Federal entity event must be avoided. DoD Component commanders and heads of organizations are charged with the responsibility of determining when it is in the interest of the agency to send DoD personnel in their official capacities to non-Federal events. They must make such determinations free of pressure from higher authority to send



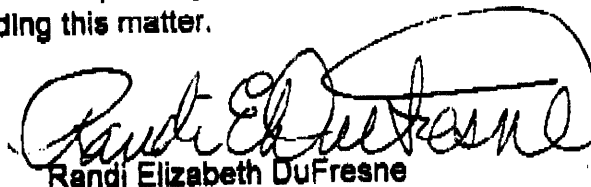
people to any event that inappropriately appears to be favored. Therefore, words such as "endorse," "support," "encourage," "recommend," and "urge," should not be used in informational memoranda.

Sometimes, it is the interest of DoD to sponsor a meeting, workshop, forum, or booth at a non-Federal event. Such DoD sub-events are usually related to recruitment or to explorations of DoD human resources issues as they relate to the main event. It is the responsibility of recruitment, personnel, or quality-of-life offices to determine when it is in the interest of DoD to hold a DoD sub-event at any program sponsored by a non-Federal entity. Such offices should be free to make such determinations without undue encouragement from higher authority, which could amount to a DoD endorsement. These offices must be advised, however, that in the interest of fairness, if DoD sponsors a sub-event at one non-Federal entity, the DoD must be able and willing to sponsor similar sub-events at other comparable events sponsored by other similar non-Federal entities.

Once a determination is made to sponsor a DoD sub-event, it is appropriate to include in any informational memoranda the news that such a DoD sub-event will be taking place. It may also be appropriate to state that any DoD employees who attend the main event in their official capacities (and therefore on Government time and possibly at Government expense) must attend the DoD sub-event. DoD and DoD employees may always endorse official programs and events sponsored by DoD for the benefit of the Department.

To illustrate the nuances described above, I have attached two memoranda as examples. The first memorandum (TAB A) is an example of information of common interest to DoD personnel. The second memorandum (TAB B) is an example of inappropriate endorsement.

I hope this information is helpful to you. You may contact me at (703) 697-5305 if you have questions regarding this matter.



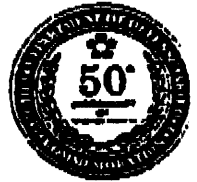
Randi Elizabeth DuFresne
Senior Attorney
Standards of Conduct Office

Attachments



FORCE MANAGEMENT
POLICY

ASSISTANT SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, DC 20301-4000



MAR 7 1996

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DIRECTOR, DEFENSE RESEARCH AND ENGINEERING
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTORS OF THE DEFENSE AGENCIES

SUBJECT: Federally Employed Women 27th National Training Program

Federally Employed Women, Inc. will hold its 27th National Training Program in Kansas City, Missouri, July 15-19, 1996 at the Hyatt Regency Crown Center Hotel.

Supervisors may allow DoD personnel involved in policies and programs affecting the employment and advancement of women to take advantage of this program. Examples of individuals in these categories include equal opportunity directors and managers, special emphasis program managers, personnel specialists, human resource managers and individuals in supervisory and managerial positions. Although the selection of attendees is left to the discretion of the Components, please also consider requests from DoD personnel who may not have a programmatic responsibility, but may benefit from this training opportunity.

As part of this training program a DoD Forum will be held from 8:30 a.m.-12:00 p.m., on Tuesday, July 16. All DoD personnel in attendance at this conference should plan to participate in this session. You are invited to join in the planning and execution of the forum. Please submit the name, organization, telephone number and E-Mail address of a representative to serve on the DoD Forum Planning Committee by March 22, 1996 to Ms. Sharon Thornton, Federal Women's Program Manager. Correspondence should be directed to Ms. Thornton at the Office of the Deputy Assistant Secretary of Defense (Equal Opportunity), 4000 Defense Pentagon (Rm. 3A272), Washington, DC 20301-4000. She can be reached at (703) 695-2431, facsimile (703) 695-4619, or E-Mail address (thornton@smtpgate.fmp.osd.mil).


F. Pang



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MEMORANDUM FOR DISTRIBUTION

SUBJECT: Major Big Government Employee Association Convention

The Major Big Government Employee Association of America (MBGEAA) will hold its 106th Annual National Convention in Smalltown, Ohio, on February 29, 1997, at the Largest Hotel.

Although my office is not usually your conduit of event information, as a member of MBGEAA, I strongly encourage all supervisors to send as many of their Department personnel to this convention as their travel budgets will allow. The programs offered at the convention are superior in all respects to those offered by other employee organizations. It is in the interest of the Department that we support this event and MBGEAA to the fullest extent. Although the selection of attendees is left to the discretion of the Components, I urge you to ensure that the widest variety of Department personnel are present at this convention whether or not official duties involve matters to be covered at this outstanding MBGEAA event.

As part of this convention a Department forum will be held from 12:00 a.m. until 2:00 a.m. Although scheduling problems will not allow for any recruitment opportunities for the Department, we have determined that our forum presentation will improve the image of the MBGEAA in the eyes of the public. Although we cannot support all non-Federal organizations, we endeavor to endorse as many of the most worthy, chosen in accordance with the judgement of those currently in the highest Department offices. Therefore, any Department personnel you send to the convention are required to also attend the Department forum.

For further information, please call Mr. Knows Noethics at (202) 555-1212, or at e-mail address noethics@all.com.

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